

REMARKS/ARGUMENTS

Please cancel claims 43 through 68. After the amendment, claims 1-5, 21-24 and 36-39 are pending. Applicants reserve the right to pursue the canceled claims in a continuing application.

35 U.S.C. §103 Rejection, Smith et al. in view of Stubler et al.

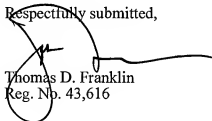
The Office Action has rejected claims 1-5 and 22-24 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of non-patent literature document "*Tools and techniques for color image retrieval*" to Smith et al. (hereinafter "Smith") in view of the cited portions of U.S. Patent No. 6,804,684 to Stubler et al. (hereinafter "Stubler"). The current claims have a priority date that precedes Stubler. As such, Stubler is not §102 prior art suitable for a §103 rejection. Reconsideration is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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